

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRON G. BRANDON,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

CASE NO. C21-5417-JCC

ORDER

This matter comes before the Court on Plaintiff's proposed second amended civil rights complaint (Dkt. No. 12.) The Honorable David Christel, United States Magistrate Judge, issued a Report and Recommendation ("R&R") (Dkt. No. 15) recommending that the complaint be dismissed without prejudice for failure to state a claim, and that all pending motions be denied. Petitioner objects to the R&R. (Dkt. No. 16.) For the reasons described below, the Court hereby **OVERRULES** Petitioner's objections, **ADOPTS** the R&R, and **DISMISSES** the complaint without prejudice.

Plaintiff is confined to the Monroe Correctional Complex (MCC) in Monroe, Washington. (Dkt. No. 15 at 2.) He filed a civil rights complaint under 42 U.S.C. § 1983 alleging MCC staff were deliberately indifferent to his serious medical needs and treated him differently in violation of the Fourteenth Amendment by failing to provide him with medical care. (*Id.* at 3, 5.) In his R&R, Judge Christel recommends that the case be dismissed without prejudice because

1 Plaintiff does not allege sufficient facts to demonstrate that Defendants were aware of his
2 condition or doctor's orders or that they treated him differently from similarly situated prisoners.
3 (*Id.* at 4–5.) Plaintiff's objection to the R&R merely restates his prior contention that Defendants
4 ignored his serious medical needs, his conclusory allegations that they failed to follow orders in
5 his medical charts, and generally objects to Judge Christel's recommendations. (Dkt. No. 16 at
6 2–4.)

7 A district court reviews *de novo* those portions of a magistrate judge's R&R to which a
8 party properly objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A party properly objects
9 when the party files "specific written objections" to the magistrate judge's R&R as required
10 under Federal Rule of Civil Procedure 72(b)(2). In contrast, a general objection has the same
11 effect as no objection at all, since it does not focus the Court's attention on any specific issue for
12 review. *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991). This
13 Court's consideration of such an "objection" would entail *de novo* review of the entire report,
14 rendering the referral to the magistrate judge useless and causing a duplication of time and effort
15 that wastes judicial resources and contradicts the purposes of the Magistrates Act. *Id.*
16 Accordingly, *de novo* review is not required when a party fails to direct the court to a specific
17 error in the R&R. *Strawbridge v. Sugar Mountain Resort, Inc.*, 243 F.Supp.2d 472, 475
18 (W.D.N.C. 2003). As Plaintiff points to no specific error in the R&R, his objection is insufficient
19 to trigger this Court's reconsideration of Judge Christel's legal determination.

20 For the foregoing reason, Plaintiff's objection (Dkt. No. 16) is OVERRULED. The Court
21 thus ADOPTS the R&R (Dkt. No. 15) and DISMISSES without prejudice Plaintiff's second
22 amended complaint (Dkt. No. 12.) All pending motions, including Plaintiff's Application for
23 Leave to Proceed In Forma Pauperis (Dkt. No. 8) and Motion to Attach Exhibits (Dkt. No. 14),
24 are denied. This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

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1 DATED this 16th day of December 2021.

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8 John C. Coughenour
9 UNITED STATES DISTRICT JUDGE
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